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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,086	09/22/2003	Ki Mun Kim	110989-0009	1266

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER

CHEEMA, UMAR

ART UNIT	PAPER NUMBER
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2444

MAIL DATE	DELIVERY MODE
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10/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/668,086	Applicant(s) KIM ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2444	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-30.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that none of the cited references teach or suggest selecting one of a DBM-based method and TCP/IP-based method, wherein said MS communicates said location information of said MS with said PDE via data burst messages in said DBM-based method, wherein said MS communicates said location information of said PDE via a TCP/IP network in said TCP/IP-based method as claimed in claim 1 and similarly in claim 16. Examiner disagrees with Applicant's argument for at least given reason: Meadow-Lim discloses selecting one of a DBM-based method and a TCP/IP-based method, wherein said MS communicates said location information of said MS with said PDE via data burst messages in said DBM-based method, wherein said MS communicates said location information of said MS with said PDE via a TCP/IP network in said TCP/IP-based [see Meadow: col. 2, lines 1-15, col. 4, lines 18-39 and Lim: col. 3; detail description of the preferred embodiments; figures 1-2; lines 25-35, 45-66; data exchange by short message peer to peer protocol (SMPP) based on TCP/IP and between the CLC and SMSC; col. 3, lines 32-35, 45-49, TCP/IP and Data_Burst_msgs etc.]. Likewise Sheynblat discloses selecting one of a DBM-based method and a TCP/IP-based method, wherein said MS communicates said location information of said MS with said PDE via data burst messages in said DBM-based method, wherein said MS communicates said location information of said MS with said PDE via a TCP/IP network in said TCP/IP-based [see Sheynblat: abstract, figures 2A-B, 3, 7-10 and the details related to figures, col. 4, line 32-col. 5, line 23; location-based information (i.e., information specific to a client's location or a location of interest to the client) to a client, which may be a mobile SPS receiver, via the Internet and in particular, the World-Wide Web; a system for exchanging location-based information via a computer network, such as the Internet, according to one embodiment of the invention. A system 400 is shown, in which a location-based information Web server 404 is part of the Internet 402. The Internet generally represents a network of networks, and may include various types of data communication media (wires, wireless, cellular, etc.), switching devices, routing devices, network computers/servers, client computer systems, local area networks (LANs), wide area networks (WANs), etc. Such networks may use a variety of protocols to regulate the exchange of information, such as TCP/IP, ATM, etc. Internet access is typically granted to client computer systems by Internet service providers (ISPs). Access to the Internet may facilitate transfer of various types of information (e.g., email, data files, programs, media, etc.) between two or more digital processing systems, see detailed in figure 9]. Thus it is Examiner's position that the combination of Meadow-Lim-Sheynblat discloses the invention as claimed in claims 1, 16 and all their dependent claims.